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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/880,755

06/15/2001

Olivier Marce

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11/02/2006

SUGHRUE MION, PLLC

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WASHINGTON, DC 20037

EXAMINER

FOX, BRYAN J

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,755

Applicant(s)

MARCE ET AL.

Examiner

Bryan J. Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 15-17 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 15-17 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 19 objected to because of the following informalities: Claim 19 is dependent upon a canceled claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 7-9, 15-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant in view of Clayton et al (US006725022B1).

Regarding claim 1, Gallant discloses a system and method for consistently translating a Special Dialing String (SDS) or a Mobile Feature Code (MFC) in a wireless telecommunications system based on mobile subscriber and/or geographic information (see column 3, lines 12-22), which reads on the claimed, "method of accessing from a mobile telephone one of a set of services stored in a telecommunication network

associated with said mobile telephone,” and, “said shot-code number corresponding to a service accessible from the geographic location of said mobile telephone, and a user subsequently supplying said at least one short-code number to said mobile telephone to access said service.” Gallant fails to disclose sending at least one short-code number to said mobile telephone from said telecommunications network in conjunction with user information.

In a similar field of endeavor, Owensby discloses a Subscriber Identification Code identifies the wireless mobile terminal and consequently, the subscriber and the subscriber account corresponding to the wireless mobile terminal. The Subscriber Identification Code is included with the call signal, and as such, is provided to the Ad Chooser Server of the Call Management System where it is used to identify the predetermined Subscriber Profile Data pertaining to the subscriber. The wireless mobile location data and the Subscriber Identification Code are transmitted to the Ad Chooser Server to choose the messages to be targeted to the subscriber (see paragraphs 53-54).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Gallant with Owensby to include the above code that identifies a profile for targeted ads in order to target information or advertisements to a subscriber of a wireless mobile communications service as suggested by Owensby (see paragraph 30). The combination of Gallant and Owensby reads on the claimed, “said mobile telephone produces user information and wherein said step of sending said at least one short-code number to said mobile telephone comprises sending only short-code

numbers corresponding to services matching said user information, whereby different short-code numbers will be sent to different mobile telephones at the same geographical location.”

Regarding claim 2, the combination of Gallant and Owensby discloses that mobile subscriber first dials an SDS/MFC and a wireless signal containing the SDS/MFC is received by nearby mobile switching center 204 which passes the received SDS/MFC, together with other information to centralized processing center 110 and translation of the received SDS/MFC into a number to be dialed is performed by the HLR within centralized processing center 110 (see Gallant column 4, lines 54-63), which reads on the claimed, “on receiving said service request, a control station to which said mobile telephone is connected supplies said short-code number and information relating to said geographical location of said telephone to a centralized manager associated with a central database.”

Regarding claim 3, the combination of Gallant and Owensby discloses the mobile switching center group number (MGN) is used to associate SDSs with particular geographies (see Gallant column 5, line 58 – column 6, line 9), which reads on the claimed, “said information relating to location is an identifier of said control station.”

Regarding claim 7, Gallant discloses a system and method for consistently translating a Special Dialing String (SDS) or a Mobile Feature Code (MFC) in a wireless telecommunications system based on mobile subscriber and/or geographic information (see column 3, lines 12-22), which reads on the claimed, “control station is a telecommunication network including means for communicating with a set of mobile

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telephones further including means for implementing a method of accessing from a mobile telephone one of a set of services stored in a telecommunication network associated with said mobile telephone,” and, “a service request including said short-number is supplied by a user to said mobile telephone, and the short-code number identifies a single service in a given geographical area.” Gallant fails to disclose sending at least one short-code number to said mobile telephone from said telecommunications network in conjunction with user information.

In a similar field of endeavor, Owensby discloses a Subscriber Identification Code identifies the wireless mobile terminal and consequently, the subscriber and the subscriber account corresponding to the wireless mobile terminal. The Subscriber Identification Code is included with the call signal, and as such, is provided to the Ad Chooser Server of the Call Management System where it is used to identify the predetermined Subscriber Profile Data pertaining to the subscriber. The wireless mobile location data and the Subscriber Identification Code are transmitted to the Ad Chooser Server to choose the messages to be targeted to the subscriber (see paragraphs 53-54).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Gallant with Owensby to include the above code that identifies a profile for targeted ads in order to target information or advertisements to a subscriber of a wireless mobile communications service as suggested by Owensby (see paragraph 30). The combination of Gallant and Owensby reads on the claimed, “at least one short-code number corresponding to a service accessible from the geographical

location of said mobile telephone is sent from said telecommunication network to said mobile telephone,” and, “wherein said control station includes means for sending to said mobile telephone only short-code numbers corresponding to services matching said user information, so that different sort-code numbers will be sent to different mobile telephones at the same geographical location.”

Regarding claim 8, the combination of Gallant and Owensby discloses that mobile subscriber first dials an SDS/MFC and a wireless signal containing the SDS/MFC is received by nearby mobile switching center 204 which passes the received SDS/MFC, together with other information to centralized processing center 110 and translation of the received SDS/MFC into a number to be dialed is performed by the HLR within centralized processing center 110 (see Gallant column 4, lines 54-63), which reads on the claimed, “on receiving said service request, a control station to which said mobile telephone is connected supplies said short-code number and information relating to said geographical location of said telephone to a centralized manager associated with a central database.”

Regarding claim 9, the combination of Gallant and Owensby discloses the mobile switching center group number (MGN) is used to associate SDSs with particular geographies (see Gallant column 5, line 58 – column 6, line 9), which reads on the claimed, “said information relating to location is an identifier of said control station.”

Regarding claim 15, the combination of Gallant and Owensby discloses that a SDS is translated to a number to be dialed (see Gallant column 4, lines 54-63), which

reads on the claimed, "at least one of said short-code numbers designates a single commercial establishment."

Regarding claim 16, the combination of Gallant and Owensby discloses the use of three digits (see Gallant column 4, lines 8-17), which reads on the claimed, "said short-code number is no more than three digits."

Regarding claim 17, the combination of Gallant and Owensby discloses the use of three digits (see Gallant column 4, lines 8-17), which reads on the claimed, "said short-code number is no more than three digits."

Regarding claim 19, the combination of Gallant and Owensby discloses the use of three digits (see Gallant column 4, lines 8-17), which reads on the claimed, "said short-code number is no more than three digits."

Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant in view of Garceran et al (US006522888B1).

Regarding claim 4, Gallant discloses a system and method for consistently translating a Special Dialing String (SDS) or a Mobile Feature Code (MFC) in a wireless telecommunications system based on mobile subscriber and/or geographic information (see column 3, lines 12-22), which reads on the claimed, "method of accessing from a mobile telephone one of a set of services stored in a telecommunication network associated with said mobile telephone," and, "determining said service by the geographical location of said mobile telephone and a service request including a short-code number supplied by a user to said mobile telephone, wherein the short-code

number identifies a single service in a given geographical area.” The system includes multiple MSCs (see figure 1), which reads on the claimed, “said telecommunication network including a plurality of control stations wherein the mobile telephone connects to only a single one of the control stations at any time.” Gallant fails to disclose each of said control stations stores a set of services in a respective local database not local to other control stations of said telecommunication network.

In a similar field of endeavor, Garceran et al disclose a system where a database may be local to the MSC (see column 7, line 66 – column 8, line 30).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Gallant with Garceran et al to include the above database local to the MSC in order to reduce the storage needed in a centralized database.

Regarding claim 10, Galant discloses a system and method for consistently translating a Special Dialing String (SDS) or a Mobile Feature Code (MFC) in a wireless telecommunications system based on mobile subscriber and/or geographic information (see column 3, lines 12-22), which reads on the claimed, “control station in a telecommunication network including means for communicating with a set of mobile telephones further including means for implementing a method of accessing from a mobile telephone one of a set of services,” and, “in which method said service is determined by the geographical location of said mobile telephone and a service request including a short-code number supplied by a user to said mobile telephone, and the short-code number identifies a single service in a given geographical area.” The system includes multiple MSCs (see figure 1). Gallant fails to disclose each of said control

stations stores a set of services in a respective local database not local to other control stations of said telecommunication network.

In a similar field of endeavor, Garceran et al disclose a system where a database may be local to the MSC (see column 7, line 66 – column 8, line 30).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Gallant with Garceran et al to include the above database local to the MSC in order to reduce the storage needed in a centralized database.

Claims 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallant in view of Owensby and further in view of Michaels et al. (US006011976A).

Regarding claims 5 and 11, the combination of Gallant and Owensby fails to teach that a short code is sent to the user in an SMS message.

In a similar field of endeavor, Michaels et al. discloses a wireless telecommunications system where informational messages can be sent to a user based on the users location, and the message includes a telephone number of an advertiser (see column 3, lines 6-9).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Gallant and Owensby with Michaels et al. to include the above sending of telephone numbers to the user in order to allow a vendor to alert users of valuable information offered.

Regarding claims 6 and 12, the combination of Gallant and Owensby fails to teach the use of a profile so that only services matching the user are transmitted to the user.

In a similar field of endeavor, Michaels et al. discloses that the SIM card can be trained only to receive messages detailing services relevant to a subscriber's needs (see column 6, lines 34-36), which reads on the claimed invention that only transmits numbers corresponding to services matching a user profile.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Gallant and Owensby with Michaels et al. to include the above selective receiving of messages in order to prevent the user from receiving too many messages in which he has no interest.

Response to Arguments

Applicant's arguments with respect to claims 1-12, 15-17 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

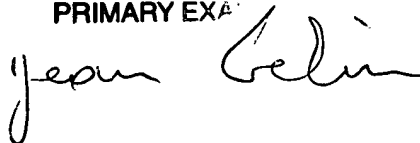
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bryan Fox
October 28, 2006

JEAN GELIN
PRIMARY EX^A

A handwritten signature in black ink, appearing to read "Jean Gelin", is written over the printed name and title.